

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201605172	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/28/2016 9:00 AM	Location of Incident: West 110th Street and Lenox Avenue; § 87(2)(b)	Precinct: 28	18 Mo. SOL 11/28/2017	EO SOL 11/28/2017	
Date/Time CV Reported Tue, 05/31/2016 2:54 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 05/31/2016 2:54 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Millicent Sempermartinez	26196	946232	028 PCT
2. POM Matthew Grieve	20150	958653	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robin Peralta	04521	933165	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Millicent Sempermartinez	Abuse: At West 110th Street and Lenox Avenue in Manhattan, Police Officer Millicent Semper-Martinez searched § 87(2)(b)	§ 87(2)(g)
B.POM Matthew Grieve	Off. Language: At § 87(2)(b) in Manhattan, Police Officer Matthew Grieve made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	§ 87(2)(g)

### Case Summary

On May 28, 2016 at approximately 9 a.m., § 87(2)(b) set papers aflame as he got out of a taxi at West 110<sup>th</sup> Street and Lenox Avenue in Manhattan. § 87(2)(b)'s intention was to destroy the sensitive documents, but the cab driver became alarmed and flagged down Police Officers Millicent Semper-Martinez and Matthew Grieve of the 28<sup>th</sup> Precinct. PO Semper-Martinez searched § 87(2)(b)'s backpack (**Allegation A**). Sergeant Robin Peralta responded to the scene and deemed § 87(2)(b) an emotionally disturbed person (EDP). An ambulance transported him to § 87(2)(b). At the hospital, PO Grieve allegedly referred to § 87(2)(b) as "she" and said he should have "forced gender-reassignment surgery" (**Allegation B**). § 87(2)(b) was not arrested or issued a summons; PO Grieve prepared an Aided Report (see Board Review 01). § 87(2)(b) was kept at the hospital until § 87(2)(b) and treated for a methamphetamine-induced psychotic disorder (see Privileged Documents for the medical records and Board Review 02 for a summary).

### Mediation, Civil and Criminal Histories

- This case was deemed unsuitable for mediation § 87(2)(g)
- As of July 11, 2016, a request for any notice of claim filed in relation to this incident is pending a response from the Comptroller's office.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This case was split off from CCRB case § 87(2)(b)
- PO Semper-Martinez has been a member of the NYPD for four years. There are two prior complaints against her, both of which contained a single force allegation. One case was unsubstantiated and the other was truncated.
- PO Grieve has been a member of the NYPD for one year. This is the first CCRB complaint against him.

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: At West 110th Street and Lenox Avenue in Manhattan, Police Officer Millicent Semper-Martinez searched § 87(2)(b)**

§ 87(2)(b) said that the cab driver flagged down PO Grieve and PO Semper-Martinez because he thought § 87(2)(b) was trying to light the car on fire. PO Semper-Martinez searched his backpack without permission. PO Grieve handcuffed him and § 87(2)(b) remained handcuffed throughout the ambulance ride and while they waited at the hospital (see Board Review 09).

PO Semper-Martinez acknowledged that she searched § 87(2)(b)'s backpack. She said § 87(2)(b) set his backpack on a bench as he paced around the sidewalk making nonsensical

statements, at which point she grabbed the backpack and opened it to look inside. Her stated reason for doing this was to make sure the bag did not contain guns. She saw only papers and a lighter in the bag (see Board Review 06).

PO Grieve said that when they requested ID, § 87(2)(b) said it was in his backpack. One of the officers – PO Grieve could not remember who – went in the bag to get the ID. PO Grieve was unsure whether any part of the backpack was searched aside from the section that contained the ID. He handcuffed § 87(2)(b) immediately before putting him in the ambulance, due to his bizarre behavior (see Board Review 07).

Officers may not routinely search the bags of people they are taking to the hospital, even if that person is under arrest. To perform such a search, the officers must have a reason to believe that the person is armed. Additionally, the bag must be in the civilian’s “immediate control” to create safety-based exigent circumstances. People v. Vega, 682 N.Y.S.2d 261 (1998 – 3<sup>rd</sup> Dept.) (see Board Review 08).

§ 87(2)(g)  
[REDACTED]

**Allegation B – Offensive Language: At § 87(2)(b) in Manhattan, Police Officer Matthew Grieve made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)**

§ 87(2)(b) alleged that, at the hospital, PO Grieve repeatedly referred to him as “she” and said he should have “forced gender-reassignment surgery.” § 87(2)(b) interpreted these statements as slurs related to his sexual orientation. In his CCRB interview, § 87(2)(b) denied that he needed to be hospitalized. § 87(2)(b) worked § 87(2)(b) § 87(2)(b) believed the police were against him due to his diplomatic connections (see Board Review 09).

PO Grieve denied making the statements above and said there was no discussion of any kind about gender or sexuality (see Board Review 07). PO Semper-Martinez denied hearing the above remarks, but was not present for most of the interaction in the hospital: guns are not permitted in the psychiatric ward, so she stood outside with PO Grieve’s gun when PO Grieve went with § 87(2)(b) § 87(2)(b) (see Board Review 06).

Both officers said that § 87(2)(b) made a variety of bizarre statements during this incident. PO Semper-Martinez said § 87(2)(b) insisted that he be let go so he could stop a man from the

Pentagon in a black jeep. PO Grieve said § 87(2)(b) believed he was a secret agent and he was the only one who could save the President of the United States from being assassinated.

The medical records § 87(2)(b) noted that § 87(2)(b) had been hospitalized previously for paranoid behavior induced by methamphetamine. He was in denial of the problem, saying, “Meth works for me the way Ritalin works for a normal person.” When he was brought into the hospital, § 87(2)(b) believed he was on a mission for the Secret Service. He experienced auditory hallucinations, believing that the President was talking to him. He also expressed paranoid delusions and believed that medical staff were plotting to cut his penis off (see Privileged Documents and Board Review 02 for a summary).

§ 87(2)(g)

---

Squad: 7

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date